

July 20, 2011

TO: Governor Christine Gregoire

FROM: Gerry O'Keefe, Executive Director

RE: Samish Basin Targeted Action Plan June Progress Report

I am pleased to forward for your consideration the Partnership's first report on implementation of the Targeted Action Agenda for the Samish Basin. The purpose of the report is to track progress on the 10-point Targeted Action Agenda released in April 2011, to identify needed resources, and to highlight barriers that stand in the way of achieving sustainable water quality improvements. These reports will be provided monthly, based upon your request.

As you know, the Partnership's Leadership Council adopted a goal of 10,800 acres of shellfish beds upgraded by 2020. The news that we risked losing 4,000 acres triggered your direction to the Partnership to bolster the success of the Clean Samish Initiative (CSI), improve water quality in Samish Bay and recover this shellfish habitat. In addition, the work is undertaken with the knowledge that a clean Samish Bay supports healthy communities and a healthy local economy.

Status

Coordination among all parties has significantly improved since May, but much hard work remains to be successful in achieving an improved Samish River and Bay. While we have raised the visibility of the problem and raised the effort targeted to specific problem areas, underlying conflicts around regulatory and voluntary issues and approaches continue to threaten overall progress toward our goal.

As you might expect, it is too early to conclude that water quality in tributary streams and the main stem Samish River are on an improving trend correlated with rainfall, although some data suggests slight positive trends at key monitoring stations compared to past years.

However, we were recently reminded of the challenge we face when rainfall in the Samish on July 16 triggered a two-day shellfish harvest closure in Samish Bay due to elevated fecal coliform levels in the river and the bay. In order to achieve an upgrade in shellfish status by September 2012, only one more pollution-related closure can occur over the next 13 months.

The following table summarizes the status of the 10-point action plan the Partnership developed with the Clean Samish Initiative team. The attached progress report from Skagit County provides additional details for each action item.

10-Point Plan Elements	Status	Comments
1. Marine recovery area designation	Green	First step taken. On schedule.
2. Communication with landowners	Yellow	14 workshops held in 2011. Coordinated inspection program developed. Some landowner resistance to responsibility for the problem remains.
3. Improve compliance with the Clean Water Act	Yellow	Inspections of non-dairy livestock operations have increased. No dairy violations discovered on 7 active dairies. Inspections in priority areas are on target but the rate of follow-up needs improvement.
4. Deploy Washington Conservation Corps	Green	Contract signed. Fencing and riparian planting in targeted tributaries will begin in late July.
5. Agriculture and Water Quality MOA	Red	Issues to be resolved between Ecology, WSCC, and Conservation District prior to September 1.
6. Targeting Resources	Red	OSS and CAO inspections on target. Farm plan development and implementation falling behind needed pace.
7. Sani-cans for recreationists Pet waste stations	Green	Needs assessed. Deployment underway (24 facilities installed) Limitations on private property access and maintenance need to be addressed.
8. Update CSI Work Plan	Green	Draft unified Samish Work Plan (State Targeted Action Agenda and prior Clean Samish work-plan consolidated into one plan) completed.
9. Assessing outcomes and reporting progress	Yellow	Working to improve quality and content of reporting.
10. Use of microbial source tracking	Green	Initial tracking complete. Results pending.

Note: Color codes for status referenced to **Green**: on target and proceeding on schedule; **Yellow**: some concerns for trajectory to achieve desired results on time; **Red**: Major concerns for achieving desired results on time, given current budget, level of effort, or based on available data.

Recent Successes

Since the GMAP session on April 6th and the meeting convened and facilitated by the Partnership with the parties in May, the CSI executive committee has demonstrated better coordination between partners. All partners have responded positively and are cooperating with the increased state

involvement. It is hoped that the role of the Puget Sound Partnership will increase the accountability of each partner and improved critical communication will facilitate timely communication to resolve remaining issues. Other successes over the past month include:

- Skagit County continues to have an outstanding On-site Sewage System (OSS) inspection program. Since May, the county has integrated their public works, public health and planning departments' approaches to inspections in the Samish basin. This has increased the effectiveness of the OSS, farm, and Critical Areas Ordinance inspection programs.
- The County, Ecology, and WSDA have made additional enforcement staff available, increasing the volume of inspections completed and reducing the burden of overlapping inspections on landowners.
- The communication strategy around this issue has been intensified to include increased media attention, a coordinated hotline, and a community awareness campaign. This is working to increase community support for solutions to the problem.

Challenges and Next Steps

The Partnership has identified the following high priority challenges and actions that need to be undertaken to achieve our collective goal:

Challenge: Farm plan development is not keeping pace with referrals from increased enforcement inspections. Any significant time lag between enforcement inspections, farm plan completion and BMP implementation conflicts with the need for immediate action.

Next Steps: Ecology and the Washington State Conservation Commission (WSCC) and the Skagit CD will need to complete and implement a revised Memorandum of Understanding to reduce potential time lag between inspections and implementation of effective clean water BMPs. In addition, the Commission must make every effort to ensure that adequate resources are available to develop and implement conservation (farm) plans in a timely manner. It may be necessary for the Conservation Commission to seek loaned staff from neighboring Districts to assist in this crisis situation.

Challenge: The rate of implementation of best management practices (BMPs) contained in farm plans is not sufficient to meet clean water goals by September of 2012. This is due in part to a lack of money, a lack of staff capacity, and the wet conditions experienced this spring. Data transparency and availability to track progress is also a challenge.

Next Steps: Ecology, the Washington Conservation Commission and the Skagit CD should resolve ongoing differences to update the Memorandum of Agreement between the agencies regarding the steps and pace of water quality inspection and enforcement on agricultural lands.

The WSCC should immediately seek assistance from the National Resources Conservation Service to support BMP implementation that will be effective in meeting water quality standards in the Samish.

The Skagit Conservation District should immediately develop a method of tracking BMP implementation that is transparent and clear to allow us to measure progress toward our goal of 100% of targeted farms with farm plans developed by June, 2012.

Challenge: Using DNA testing as a tool to potentially help identify the various bacterial contributors to the water quality problems in the Samish River.

Next Steps: The EPA will host two workshops to assess potential of DNA testing approach for differentiating sources and relative contribution of bacteria: one workshop in early September to discuss status, benefits and limitations of Microbial Source Tracking; and another workshop focused on Samish River sample results from two accredited laboratory analyses to judge the merits of this MST sampling in the Samish.

Challenge: A common communications protocol for inspection and enforcement site visits was an agreed upon product emerging from the meeting with the CSI and state agencies. No progress has been made to develop a communications tool or common post-inspection approach with landowners. The anxiety caused by a lack of communication is offsetting the legal benefits of providing a comprehensive report at a later date.

Next Steps: Ecology and the Washington State Conservation Commission, in cooperation with the Department of Agriculture should develop a common communications tool that can be shared with landowners at the conclusion of all inspections. There is a legitimate need for immediate communication with landowners that should have a positive effect on how Ecology is perceived in the Samish and elsewhere.